

The Honorable James L. Robart

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

VIVENDI S.A., and VIVENDI HOLDING I CORP., as the Assignee of a U.S. Elektrum Bondholder,
Plaintiff,
vs.
T-MOBILE USA, INC., T-MOBILE DEUTSCHLAND GMBH, T-MOBILE INTERNATIONAL AG, DEUTSCHE TELEKOM AG, AND ZYGMUNT SOLORZ-ZAK,
Defendant.

) Case No. CV06-1524 JLR
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DEFENDANT ZYGMUNT SOLORZ-ZAK'S UNOPPOSED MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF
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Note For Motion Calendar:
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Tuesday, November 6, 2007
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MOTION

Pursuant to Local Civil Rule 7(f)(1), Defendant Zygmunt Solorz-Zak (“Mr. Solorz”) seeks permission to file an overlength motion to dismiss and supporting memorandum of 36 pages. Plaintiffs’ counsel do not oppose this request.

MEMORANDUM OF POINTS AND AUTHORITIES

The relief requested by this Motion is consistent with the relief granted by the Court by Minute Order dated April 13, 2007 (a copy of which is attached hereto).

1 as Exhibit A) in response to co-defendants Deutsche Telekom AG (“DT”), T-Mobile
 2 International AG (“T-Mobile International”), T-Mobile Deutschland GmbH (“TMD”),
 3 and T-Mobile USA, Inc.’s (“T-Mobile USA”) (collectively, the “DT Defendants”) April
 4 13, 2007 Unopposed Motion for Leave to File Overlength Motion.

5 **I. BACKGROUND**

6 Plaintiffs Vivendi S.A. (“Vivendi”) and Vivendi Holding I Corp.’s (“VH1”)
 7 (collectively, “Plaintiffs”) 65-page Third Amended Complaint (“TAC”) is an offshoot
 8 of dozens of legal proceedings that have been, or presently are, pending in various
 9 tribunals in Europe, the first of which was filed in 1999. In their TAC, Plaintiffs
 10 allege that the DT Defendants conspired with Mr. Solorz to “take over” one of the
 11 “largest wireless telephone company in eastern Europe,” and operated two
 12 “enterprises” through a pattern of racketeering, in violation of the Racketeer
 13 Influenced and Corrupt Organizations provisions of the Organized Crime Control
 14 Act of 1970 (“RICO”). (See, e.g., TAC, ¶¶1, 2, 4, 5, 7, 14, 16, 17, 21, 26, 49, 129-134,
 15 137, 139, 144.) Plaintiffs seek treble damages in the amount of \$7.5 billion, as well
 16 as equitable relief, interest, costs and attorneys’ fees. (See *id.* ¶¶2, 15, Prayer for
 17 Relief.)

18 Pursuant to a stipulated schedule, which the Court approved in its November
 19 5, 2007 Order, Mr. Solorz will file a motion to dismiss the TAC on November 9,
 20 2007. The motion to dismiss will argue that the Court should dismiss Plaintiffs'
 21 TAC on five separate grounds: *forum non conveniens*, lack of personal jurisdiction,
 22 lack of standing, lack of subject matter jurisdiction, and failure to state a claim
 23 under RICO or under common law fraud.

24 **II. ARGUMENT**

25 Mr. Solorz has consolidated five separate dispositive motions into a single 36-

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KEESAL, YOUNG & LOGAN
 1301 FIFTH AVENUE, SUITE 1515
 SEATTLE, WASHINGTON 98101
 (206) 622-3790

1 page brief, consistent with this Court's April 13, 2007 Minute Order that allows the
 2 DT Defendants and Plaintiffs to file opening and opposition briefs no longer than 36
 3 pages. Recognizing that this Court's resources are limited, Mr. Solorz believes that
 4 it will facilitate the Court's consideration of these five separate grounds for
 5 dismissal if he is given the opportunity to provide an overview of the substantial
 6 factual and legal background of this case and to demonstrate how they apply to the
 7 five independent bases upon which Mr. Solorz's motion to dismiss is based.

8 Accordingly, Mr. Solorz respectfully requests that the Court grant him leave
 9 to file an overlength motion to dismiss and supporting memorandum of 36 pages.
 10

11 RESPECTFULLY SUBMITTED this 6th day of November, 2007.
 12

13 /s/ Robert J. Bocko
 14 Samuel A. Keesal, Jr., CASB No. 38014,
pro hac vice
 15 Ben Suter, CASB No. 107680, *pro hac vice*
 Robert J. Bocko, WSBA No. 15724
 16 Keesal, Young & Logan
 1301 Fifth Avenue, Suite 1515
 Seattle, Washington 98101
 17 Telephone: (206) 622-3790
 Facsimile: (206) 343-9529
 18 E-mail: skip.keesal@kyl.com
ben.suter@kyl.com
robert.bocko@kyl.com
 19 Attorneys for Defendant ZYGMUNT
 20 SOLORZ-ZAK
 21
 22
 23
 24
 25
 26

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 SEATTLE, WASHINGTON 98101
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CERTIFICATE OF SERVICE

I hereby certify that on the date given below, I electronically filed the foregoing Defendant Zygmunt Solorz-Zak's Unopposed Motion for Leave to File Overlength Brief with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the following persons:

Garret Rasmussen, Esq.
Lanny J. Davis, Esq.
ORRICK, HERRINGTON &
SUTCLIFFE LLP
Washington Harbour
3050 K Street, Northwest
Washington, D.C. 20007-5135
Phone: 202-339-8400
Fax: 202-339-8500
E-mail: grasmussen@orrick.com
ldavis@orrick.com

Attorneys for Plaintiffs Vivendi S.A. and
VIVENDI HOLDING I CORP.

John V.H. Pierce, Esq.
Roger M. Witten, Esq.
WILMER HALE
399 Park Ave
New York, NY 10022
Phone: (212) 230-8800
Fax: (212) 230 8888
E-mail: john.pierce@wilmerhale.com
roger.witten@wilmerhale.com

Attorneys for Defendants T-Mobile USA
Inc., T-Mobile Deutschland GMBH, T-
Mobile International AG, and Deutsche
Telekom AG

Robert E. Rohde, WSBA #12809
ROHDE & VAN KAMPEN
1001 Fourth Avenue, Suite 4050
Seattle, WA 98154-1000
Phone: (206) 386-7353
Fax: (206) 405-2825
E-mail: brohde@rohdelaw.com
Attorneys for Plaintiffs VIVENDI S.A.
and VIVENDI HOLDING I CORP.

Stephen M. Rummage, Esq.
Steven P. Caplow, Esq.
Ladd B. Leavens, Esq.
DAVIS WRIGHT TREMAINE LLP
1201 Third Avenue
Suite 2200
Seattle, WA 98101-3045
Phone: (206) 757-8136
Fax: (206) 757-7136
E-mail: steverummage@dwt.com
stevencaplow@dwt.com
laddleavens@dwt.com

Attorneys for Defendant T-Mobile USA
Inc., T-Mobile Deutschland GMBH, T-
Mobile International AG, and Deutsche
Telekom AG

DATED this 6th November, 2007, at Seattle, Washington.

Shannalyn West Campbell
KYL_SE49788

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KEE SAL, YOUNG & LOGAN
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SEATTLE, WASHINGTON 98101
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